IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 13TH JULY, 2007 / 22ND ASHADHA, 1929

WP(C).No. 21637 of 2007(A)

PETITIONERS:

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1. MATHEW VARGHESE,NALUTHUNDIL KIZHAKKETHIL KANNAMKODU, ADOOR.

2. MARIAMMA JOHN, MELATHIL BUNGLOW, PANNIVIZHA, ADOOR.

3. THOMASKUTTY, KADUVUNKAL, KANNAMCODU, ADOOR.

4. G.SAMUELKUTTY, PEEDIKAYIL BETHEL HOUSE, PANNIVIZHA, ADOOR.

5. S.VENUGOPAL, VILAYIL PUTHEN VEEDU, MUNNALAM, ADOOR.

6. P.T.PAPPACHAN, VADACKE KOTTACKATTU, KANNAMCODU, ADOOR.

7. E.S.KUNJUPILLA, KRISHNAJALI, MUNNALAM, ADOOR.

8. V.K.SASIDHARA PANICKER, SREENILAYAM, PANNIVIZHA, ADOOR.

9. KOSHY ABRAHAM, HEBRON VILLA, PARUTHAPPARA, VADACKADATHUKAVU, ADOOR.

10. P.M.THOMAS, KANIYA VADAKKETHIL, PANNIVIZHA, ADOOR.

11. K.I.THOMAS, KOYIPPURATHU HOUSE, KANNAMCODU, ADOOR.

12. JOHN.K.DANIEL, CHARUVILAYIL, KANNAMCODU, ADOOR.

BY ADV. SRI.D.KISHORE

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY
   SECRETARY, REVENUE DEPARTMENT, GOVERNMENT
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   PATHANAMTHITTA.

3. THE ASSISTANT EXECUTIVE ENGINEER,
   PWD (ROADS), ADOOR.

4. THE TAHSILDAR, ADOOR.

5. THE VILLAGE OFFICER, ADOOR.

6. THE VICAR, SACRED HEART CATHOLIC
   CHURCH CENTRAL, ADOOR, PATHANAMTHITTA.

7. ARCHBISHOP, ARCHDIOCESE OF
   TRIVANDRUM, BISHOP HOUSE, PATTOM,
   THIRUVANANTHAPURAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

WP(C) NO. 21637 OF 2007 - A

Dated this the 13th day of July, 2007

J U D G M E N T

The petitioners challenge the apprehended proceedings under the Kerala Land Conservancy Act. Their contention is that they have not been served with notice under the Kerala Land Conservancy Act, yet. The petitioners therefore seek the following reliefs:-

> "a. to issue a writ of mandamus or any other appropriate writ, direction or order directing the respondents 3 to 5 not to proceed against the properties in possession of the petitioners situated in Re-Survey 668/1 in Block No.8 of Adoor Village without notice to them or otherwise than through due process of law as contemplated in Art.300A of the Constitution of India.
> b. to issue a writ of mandamus or any other appropriate writ, direction or order directing the 2nd respondent to consider and pass orders on Ext.P11 with notice to the petitioners as expeditiously as possible.
> c. grant such other reliefs which this Honourable Court may deem fit and proper in the interest of justice."

2. The learned Government Pleader submits that the petitioners cannot validly raise these contentions in so

far as admittedly they are only tenants. The contention regarding notice, if at all, can be raised only by the landlord who is the occupant of the property in question.

3. Confronted with the above submission, the petitioner seeks a direction to the District Collector to consider and pass appropriate orders on Ext.P11 which has already been received and numbered.

4. Having heard both sides, I direct the second respondent to consider Ext.P11 and pass appropriate orders, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007